

Mary Nink O'Donnell (Sister of Jackie Pflug): \$ _____

Gloria Nink (Sister of Jackie Pflug): \$ _____

Scott Pflug (Jackie Pflug's Husband in 1985): \$ _____

James Olsen (Husband of Jackie Pflug): \$ _____

T.O. (Son of Jackie Pflug): \$ _____

iii. Family of Patrick Scott Baker

The Court heard testimony from Patrick Baker himself as well as Patrick Baker's father Jerry Baker, his mother Lois Baker and his two living siblings Craig and Stacy Baker. In addition to testifying in his personal capacity, Craig Baker testified in the capacity as administrator of David Baker's estate. David Baker was Patrick Baker's eldest brother. The testimony before the Court described a 'very close' family while Patrick Baker was growing up. (Baker, T-3-115). Patrick was close with his parents and his siblings. (Baker, T-3-135). As the Baker siblings were close in age, they participated in many activities together while growing up. (Baker, T-3-162). The Baker family would always celebrate holidays together while growing up and even after the Baker children left home. (Baker, T-3-115, Baker, T-3-151). Patrick Baker's family kept in touch with Patrick during the time period when he went off to college. (Baker, T-3-136-137, Baker, T-3-116-117, Baker, T-3-152, Baker, T-3-164).

Prior to his horrific ordeal as a victim of the EgyptAir Hijacking, Patrick Baker was described in testimony as being 'easygoing,' 'very open' with a 'huge sense of adventure.' (Baker, T-3-117, Baker, T-3-135).

Lois Baker, Patrick's Mother testified that she and her husband received a call from the State Department which notified them that their son Patrick had been shot.

(Baker, T-3-138). Lois Baker testified that, "I had to believe [Patrick] was alive...it was such an upsetting time. We didn't know if he was really alive or dead..." (Baker, T-3-139). Patrick's father Jerry Baker was also concerned about his son and 'if he was ok.' (Baker, T-3-155). Craig Baker testified that he was 'terrified' when he learned that his brother Patrick had been shot in the head as a result of the EgyptAir Hijacking. This sentiment was shared by David Baker as he did not exactly know about Patrick Baker's condition. (Baker, T-3-121). Additionally, Stacie Baker testified that she was 'in shock' when she learned the news that Patrick had been shot.

Upon returning back to the United States following the EgyptAir Hijacking, Patrick Baker was described as being 'quiet' and did not talk much which according to his brother Craig, was not at all like Patrick. (Baker, T-3-123, Baker, T-3-169). Mr. Baker's mother Lois Baker testified that Patrick would be easily angered or nervous following his return home which was very out of character. (Baker, T-3-143). Jerry Baker described his son following his return as "more subdued" and "serious." (Baker, T-3-157). Patrick Baker stayed at his brother Craig's home following Patrick Baker's return to his home state of Washington. He stayed on the couch for months on end. (Baker, T-3-124). Craig Baker recalls hearing his brother Patrick having nightmares and groaning in his sleep. (Baker, T-3-123-124). Stacie Baker, Patrick Baker's sister, testified that it was really hard to see her brother in the condition he was in following his return to Washington, and that she was extremely worried about Patrick. (Baker, T-3-172).

Today, Patrick Baker's family sometimes worries that 'something may be wrong with Patrick' which has yet to manifest itself. (Baker, T-3-144-145, Baker, T-3-158). Lois Baker testified that it was very hard for her to accept that her son was a victim of the

EgyptAir Hijacking. (Baker, T-3-145). Along these same lines Mrs. Baker testified, “I had feelings of how horrible it was for everybody on board, not just Patrick...it’s always been there in the back of our minds, everything that’s happened to him.” (Baker, T-3-145). Stacie Baker testified that one of the most difficult aspects was watching not only what had happened to her brother Patrick, but how it affected her parents. (Baker, T-3-174).

Based upon all of the testimony, the Court finds that awards in the following amounts are appropriate in compensation, as solatium, for the loss suffered by each individual family member as a result of Patrick Scott Baker’s horrific ordeal as a victim of the EgyptAir Hijacking:

Jerry Baker (Father of Patrick Baker):	\$ _____
Lois Baker (Mother of Patrick Baker):	\$ _____
Craig Baker (Brother of Patrick Baker):	\$ _____
Estate of David Baker (Brother of Patrick Baker):	\$ _____
Stacie Baker (Sister of Patrick Baker):	\$ _____

3. PAIN AND SUFFERING

In determining the appropriate amount of compensatory damages in an action under the terrorism exception to the Foreign Sovereign Immunities Act (FSIA), the Court may look to prior decisions awarding damages for pain and suffering, and to those awarding damages for solatium. See Acosta v. Islamic Republic of Iran, 574 F. Supp. 2d 15. (D.D.C. 2008).

In a recent 28 U.S.C. § 1605A case, Gates v. Syrian Arab Republic, 580 F. Supp. 2d 53, 74 (D.D.C. 2008), this Court held that compensatory damages for pain and

suffering was \$50,000,000.00 to the estate of each plaintiff given the horrific nature in which each individual was murdered by Syrian sponsored terrorists. In Gates, this Court took into consideration the minute by minute horror which each individual plaintiff experienced while being decapitated. The Gates case is very similar to the instant action as Patrick Baker, Jackie Pflug, and Scarlett Rogenkamp each individually experienced unthinkable horror being trapped inside of a hijacked aircraft while watching and awaiting their ultimate fate of being shot execution style in the head; knowing they would be next. The hours and minutes of terror each respective plaintiff experienced must be compensated appropriately.

The Court heard extensive testimony on the pain and suffering resulting from the acts above described. The Court received direct testimony from both surviving American victims of the EgyptAir Flight 648 hijacking, Jackie Pflug and Patrick Baker, describing not only their own horrific ordeal, but also as living witnesses to the ordeal suffered by Scarlett Rogenkamp.

i. Scarlett Marie Rogenkamp

As presented in the Findings of Fact Section *supra*, Ms. Rogenkamp suffered while imprisoned in the EgyptAir airliner with gun wielding ANO terrorists, experienced a shootout between one of the ANO hijackers and an EgyptAir sky marshal, was targeted and reseated based on her American nationality, a rapid descent in a damaged aircraft into Maltese airspace, a rough landing on an unlighted runway in Malta, witnessed the brutal murder of the two Israeli women and also Patrick Baker, each human beings, who were without mercy shot execution-style in the head and thrown off of the aircraft and ultimately suffered being herself shot execution-style in the head and tossed out of the

aircraft. In total, Scarlett Rogenkamp, an employee of the United States Air Force working abroad and carrying her US passport, suffered in fear for her life on that airliner for eight grueling hours. (Pflug, T-1-54, 56-57, Ex. 3). During this period the Court heard first hand testimony from co-passengers on the airliner that during the hijacking, Scarlett Marie Rogenkamp was “afraid,” “scared” and was crying. (Pflug, T-1-47).

Jackie Pflug testified that after Mr. Baker had been shot or his turn was next and he was brought to the front of the aircraft, Ms. Rogenkamp leaned over to Jackie Pflug and asked her to say the Hail Mary for her. (Pflug, T-1-47). Scarlett knew that she was next to be killed. The watching and waiting was unbearable, unconscionable and unforgivable.

The Court also heard direct testimony that when the ANO terrorists had come for Scarlett Rogenkamp she was crying, in shock and “something just kicked in and [Ms. Rogenkamp]... looked like a zombie.” (Pflug, T-1-56).

From this testimony and other testimony presented to the Court, it is clear that Ms. Rogenkamp consciously suffered the very worst that a human being can suffer and the Court finds that Ms. Rogenkamp suffered minute-by-minute, hour-by-hour during the hijacking and experienced unimaginable terror knowing that she would be singled out as an American and shot execution style in the head as had happened to the Israeli victims, all of which caused permanent mental trauma.

As such, this Court hereby awards the following compensatory damage award for the pain and suffering of Scarlett Marie Rogenkamp \$_____

ii. Jackie Nink Pflug

Ms. Pflug testified that she suffered throughout the hijacking, from the beginning of the ordeal when she saw a hijacker with a grenade in his hand until Omar Rezaq put a gun to her head and shot her, resulting in her lifelong suffering, brain surgery and permanent damage. Specifically, Ms. Pflug testified that she was physically assaulted with the handle of a gun early on in the hijacking by one of the ANO hijackers. (Pflug, T-1-34). She then observed an ANO hijacker who was wielding a gun and attempting to pull a pin out of his grenade, and still thinks about this horrifying event to this day. (Pflug, T-1-40-41). Seeing the hijackers with their weapons have created a deep fear in Ms. Pflug until this day, and Ms. Pflug is afraid that someone is “going to gun [her] down.” (Pflug, T-1-41).

Following the shootout between an ANO terrorist and an Egyptian sky marshal, Ms. Pflug thought that she was going to die. (Pflug, T-1-41). The progression of horrific events on board the airliner slowly took away hope that Ms. Pflug was going to survive the hijacking. (Pflug, T-1-40). Moreover, Jackie Pflug was deeply saddened that she was going to die in a foreign country and no one would know what happened to her. (Pflug, T-1-42). Ms. Pflug was saddened also by the fact that she would not be there for her students at the Cairo American School. (Pflug, T-1-42).

After Ms. Pflug’s hands were tied with neckties, she testified that she felt ‘powerless’ and ‘could not believe this was how [she] was going to end her life.’ (Pflug, T-1-54). After Patrick Baker was shot, Ms. Pflug testified that she was ‘in shock.’ Moreover, Jackie Pflug feels ‘enormous survivor’s guilt’ because Scarlett Rogenkamp was murdered and Ms. Pflug survived. (Pflug, T-1-46-47). Ms. Pflug’s tearful testimony

about the pain, suffering and mental anguish she has endured as a result of witnessing the execution style shootings and being almost killed herself has hauntingly remained with her to the present day. (Pflug, T-1-53).

Immediately prior to being shot in the head, Jackie Pflug recalled in testimony to the Court that as she sat, watched, waited and knew she was about to die she envisioned in her mind the image of each of her family members in front of her and said good bye to each of them. (Pflug, T-1-59). At this time, Ms. Pflug continued to be in 'complete shock' and had 'gone into some sort of trance.' (Pflug, T-1-60). When Ms. Pflug was shot in her head, she testified that she felt an explosion in her head and it felt like her whole head had been blown off. (Pflug, T-1-61). After being tossed outside of the plane, Jackie Pflug was immediately terrified when she realized that she was alive because she recalled how the first Israeli victim had survived before being shot multiple times by the hijackers once they realized she was alive. (Pflug, T-1-62). Ms. Pflug suffered on the tarmac—drifting in and out of consciousness—for five hours before being rescued, but thought to be dead. (Pflug, T-1-62).

When Ms. Pflug was rescued she thought that it was the ANO terrorists who were trying to recapture her. (Pflug, T-1-65-66). Jackie Pflug was on her way to the morgue when a medic realized she was alive. (Pflug, T-1-65-66). Jackie Pflug also suffered that day one of the first of many seizures that have continued throughout her life. (Pflug, T-1-63). In addition to seizures, Ms. Pflug has suffered from, *inter alia*, memory loss, vision problems, learning disabilities, post traumatic stress disorder, and clinical depression. (Pflug, T-1-73, 96, Spector, T-3-98).

The bullet that severely damaged Ms. Pflug's brain also shattered much of her dreams and life. Despite going back to teaching for a short period, she was unable to live out her dream of teaching. (Pflug, T-1-75). Jackie Pflug testified that she 'grieved' over not being able to teach. (Pflug, T-1-79-81). Jackie Pflug also testified that following the hijacking she felt 'dumb' and was told that she was not the person her husband and many of her friends once knew. (Pflug, T-1-75). Jackie attempted to return to teaching once but was laughed at as she was unable to do simple tasks she had not yet relearned as a result of her brain injury. She has been otherwise unable to return to teaching and has been deprived of her enjoyment of teaching special needs children. (Pflug, T-1-79-80, 94).

Jackie has had to relearn basic skills such as counting money or telling time. (Pflug, T-1-79-81). To cope with the difficulties of living with her physical and mental injuries Jackie had to develop mechanisms to help her through daily life such as color footsteps from the bedroom to the bathroom or a ledger to remember certain important items. (Pflug, T-1-73-74). Despite these tools, Jackie Pflug testified that she suffers everyday from a 'hidden handicap' and that before the hijacking she 'had a gift' and now she does not. (Pflug, T-1-89-90).

Jackie Pflug testified that, "[i]t's not just 25 years ago it happened. It happens in front of my house. If it's not a fear, it's just trying to keep up, just trying to keep up on a daily basis." (Pflug, T-1-98). Based on the evidence presented and the testimony rendered, this Court finds that Ms. Pflug suffered thirteen and a half hours throughout the hijacking as elucidated *supra* and in addition, has suffered throughout these past 25 years due to the physical and mental injuries she has sustained as a direct result of the terrorist EgyptAir Hijacking, all to her damage. As such, this Court hereby awards the following

compensatory damage award for the pain and suffering of Jackie Nink Pflug in the amount of \$ _____

iii. Patrick Scott Baker

Patrick Baker suffered throughout all of the events described supra during the four hours he was on the hijacked EgyptAir airliner. During the shootout between the ANO hijacker and an EgyptAir sky marshal, Mr. Baker testified that bullets came so close to him that he was able to pick up one of the bullets and found it warm to the touch. (Baker, T-2-52). Patrick remembers comforting Nitzan Mendelson while on the airplane in Malta; Mr. Baker held her hand telling her “don’t give up hope.” After witnessing Ms. Mendelson’s execution-style shooting along with Ms. Artzi’s shooting, Mr. Baker was taken to the door of the aircraft to be executed as they were. He considered trying to attack the gun wielding terrorist, Rezaq. He was given a short reprieve by an announcement to the hijackers that fuel was on its way to the aircraft was broadcast. (Baker, T-2-60). Mr. Baker testified that he was allowed to sit down again. (Baker, T-2-60).

At 12:30am Malta time Mr. Baker, was again brought to the door of the aircraft and was shot point blank in the head by Omar Rezaq. (Baker, T-2-60-61, 85). Mr. Baker recalls that it felt like being hit in the head with a baseball bat. (Baker, T-2-75, Pflug, T-1-53, Ex. 3). Mr. Baker suffered from the shooting and being thrown from the aircraft twice; after his body was thrown down the stairs, Mr. Baker was dragged back up the stairs and thrown onto the tarmac again after the hijackers believed Mr. Baker was still alive. (Baker, T-2-61).

After being thrown off the aircraft for a second time, Patrick Baker testified that he continued to play dead and after some time managed to escape from underneath the hijacked airliner. (Baker, T-2-61, Baker, T-2-81). While escaping, Mr. Baker was confused at being a possible terrorist and after going through the harrowing ordeal as described above, was targeted with a rifle by a British soldier. (Baker, T-2-62). The British soldier did not shoot Patrick Baker only because Mr. Baker quickly showed the soldier that his hands were bound behind his back. (Baker, T-2-62).

Mr. Baker testified with tears in his eyes that, while in the Maltese hospital, he was asked to identify the body of Scarlett Rogenkamp. Mr. Baker recalled in testimony that, “she was very pretty and she wasn’t pretty then, and I’m really sorry to [her] family.” (Baker, T-2-64).

Upon returning to the United States, Mr. Baker just wanted to “escape.” to a comfort zone. (Baker, T-2-66). Mr. Baker testified that he escaped to fishing boats where he felt safe. (Baker, T-2-90).

Mr. Baker frequently reflects on the horrible experiences that he endured as a victim of the EgyptAir Hijacking. (Baker, T-2-76). Mr. Baker testified that it is a ‘continuous thread’ through his life that has ‘always been there in [his] dreams and part of [his] identify.’ (Baker, T-2-76). In addition to the painful memories, Mr. Baker has lived with brain injuries throughout his life since the date of the EgyptAir Hijacking. (Baker, T-2-76). Mr. Baker testified that he does not like to be a victim and it makes him ‘angry’ to “be a victim where I was taken out and shot like a cow who was going to slaughter without being able to fight or anything like that.” Accordingly, this Court finds that Mr. Baker suffered grievously during and as a result of the EgyptAir Hijacking for

the past 25 years, all to his damage. As such, this Court hereby awards the following compensatory damage award for the pain and suffering of Patrick Scott Baker in the amount of \$ _____.

4. PUNITIVE DAMAGES

Generally speaking, “Punitive damages are awarded to punish a defendant for particularly egregious conduct, and to serve as a deterrent to future conduct of the same type.” Eisenfeld v. Islamic Republic of Iran, 172 F. Supp. 2d 1, 9 (D.D.C. 2000); see also Pacific Mut. Life. Ins. Co. v. Haslip, 499 U.S. 1, 15 (1991). Several factors are considered in the analysis of whether to award punitive damages and how substantial the award should be. RESTATEMENT (SECOND) TORTS, § 908 (1)-(2), (1977). These factors include: the character of the Defendants’ acts; the nature and extent of harm to the plaintiff that the defendant caused or intended to cause; the need for deterrence; and the wealth of the defendant. Id.

28 U.S.C. § 1605A(c) specifically allows the award of punitive damages for personal injury or death resulting from an act of state-sponsored terrorism. In recognition of the difficulty of bringing terrorists to justice personally, Congress created jurisdiction over, and rights of action against, foreign state sponsors of terrorism. Punitive damage awards under the FSIA serve multiple purposes:

[b]y creating these rights of action, Congress intended that the Courts impose a substantial financial cost on states which sponsor terrorist groups whose activities kill American citizens. This cost functions both as a direct deterrent, and also as a disabling mechanism: if several large punitive damage awards issue against a foreign state sponsor of terrorism, the state's financial capacity to provide funding will be curtailed.

Flatow v. Islamic Republic of Iran, 999 F. Supp. 1, 33 (D.D.C. 1998). Therefore, in addition to the traditional focus of punitive damages upon individual punishment and

general deterrence, this law emphasizes specific deterrence of the transgressing state sponsors of terrorism so that future sponsorship may be prevented.

In this case, the evidence shows Defendants supported, protected, harbored, aided, abetted, enabled, sponsored, conspired with and subsidized a known terrorist organization whose modus operandi included the targeting, brutalization and murder of American citizens and others. The character of these acts requires an award of punitive damages. E.g., Cronin v. Islamic Republic of Iran, 238 F. Supp. 2d 222, 235 (D.D.C. 2002) (finding the character of the defendant's act—where the defendant provided material support and resources to terrorist organizations to carry out acts such as kidnapping and torture—supported a punitive damage award of \$300,000,000.00).

Premeditated violence against civilian targets is not a legitimate action by any government. It does not matter whether such violence is undertaken directly or indirectly. Civilized society cannot tolerate states whose partnership with terrorist surrogates, like the Abu Nidal Organization, is formed for the purpose of achieving foreign policy goals through murder and torture. Thus, in deciding that an award of punitive damages is necessary, this Court is especially cognizant of the purpose of the state-sponsor of terrorism exception to the FSIA.

Specifically, in recent cases that have calculated the punitive damages for state sponsors of terrorism, such as Acosta v. Islamic Republic of Iran, 574 F. Supp. 2d 15, 31 (D.D.C. 2008), this Court held that the state sponsor of terrorism's annual budget for terrorism is to be elucidated and then multiplied by a multiplier in order to adequately deter state sponsors of terrorism. Moreover, in Heiser v. Islamic Republic of Iran, 659 F. Supp. 2d 20, 30-31 (D.D.C. 2009) (Chief Judge Lambreth) the court saw no reason to

depart from the Acosta methodology in calculating punitive damages as this methodology was considered to be fitting foreign policy and would have the requisite deterrent effect. See id.

One of the most recent cases, Valore v. Islamic Republic of Iran, Nos. 03-cv-1959, 06-cv-516, 06-cv-750, 08-cv-1273, 2010 WL 1244552, at *30 (D.D.C. March 31, 2010), upheld the methodology in Heiser and Acosta, however rather than a three times multiplier, Judge Lambreth used a five times multiplier of annual state sponsored terrorism expenditures.. The court held specifically that two numbers are at issue: the multiplicand-the amount of [the state sponsor of terrorism's] annual expenditures on terrorist activities-and the multiplier-the factor by which the multiplicand should be multiplied to yield the desired deterrent effect. Id.

In this regard, in testimony it was clearly established that Syria spends at present between \$500,000,000 and \$700,000,000 annually on terrorism related expenditures. (Deeb, T-2-235). The \$500,000,000 figure is the minimum estimate of Syria's terrorism related expenditures, (Deeb, T-2-235), and accordingly using three to five times multiplier of that would result in punitive damages of \$1.5 billion to \$2.5 billion. It should also be noted that in cases where a state sponsor of terrorism's expenditures are not known, punitive damages of up to \$300 million dollars have been awarded. See Calderon-Cardona v. Democratic People's Republic of Korea, CA No. 08-1367, 2010 WL 2802209 (D. P. R., July 16, 2010). In Gates, the measure applied by the court in awarding \$300 million dollars was \$150 million dollars per family for each of the two families. Judge Collyer found that with regards to Syria's sponsorship of terrorism in the year of 2004, "[p]remeditated violence against civilian targets is not a legitimate action

by any government. Civilized society cannot tolerate states whose partnership with terrorist surrogates...is formed for the purpose of achieving political victory through heinous acts of barbarism". Gates v. Syrian Arab Republic, 580 F.Supp.2d 53, 74 (D.D.C. 2008). Finally, courts have used a multiplier of three to five times the amount of compensatory damages awarded to determine an appropriate punitive damages amount. Arbaugh v. Y&H Corp. 546 U.S. 500, 126 S.Ct. 1235 (2006).

This Court has considered various methods, each of which are valid, as set forth in the cited opinions, for assessing punitive damages against Syria for its sponsorship of the ANO, and the EgyptAir Hijacking of November 23, 1985, and its continuing sponsorship of terrorism and has determined to use a blended analysis of the applicable methodologies applied in applicable cases. In that regard, the Court notes that it has found (i) that Syria is a designated State Sponsor of Terror, having been so designated by the US Department of State in 1979, (ii) that Syria sponsored and provided material support to the ANO, a Foreign Terrorist Organization, in the period from at least 1981-1985, including the simultaneous December 27, 1985 terrorist attacks at the Leonardo da Vinci Airport at Rome, Italy and the Schwechat Airport at Vienna, Austria launched shortly after the EgyptAir hijacking (iii) that Syria sponsored ANO's terrorist hijacking of EgyptAir Flight 648 on November 23, 1985 that resulted in the heinous murder of Scarlett Rogenkamp and the permanent injuries from head gunshot wounds suffered by Jackie Pflug and Patrick Baker, (iv) that Syria has continued since 1985 to sponsor terror and currently sponsors and supports terrorist activities of Hezbollah and Hamas, evidencing its continuing commitment to support ongoing acts of international terrorism,

and (v) accordingly, Syria must be punished for its sponsorship of terrorism and, as a deterrent to Syria and to others who sponsor terrorism.

Accordingly, the Court finds that the range of appropriate punitive damages can be found in such awards as Heiser, Acosta and Valore, which used the multiplier of terrorism related expenditures ranging from three to five times the annual expenditure on terrorism; and also the use of the Gates standard of \$150 million dollars per family; and also the Arbaugh three to five times multiplier of the aggregate compensatory damages awarded by this Court for the Plaintiffs against the Syrian Defendants. In determining that Syria deserves to be punished and that a punitive damages award by this Court for the heinous, egregious conduct of the Syrian Defendants, this Court believes that in order to punish Syria for its premeditated barbaric conduct and to take all possible and appropriate measures to attempt to deter the Syrian Defendants from its continued sponsorship of terrorism and hopefully ensure that the Syrian Defendants will refrain from sponsoring such terrorist acts in the future, and to deter others from sponsoring terrorism the Court finds the evidence clearly and convincingly demands an award for punitive damages in the amount of _____ which is not less than the total amount that Syria spends on its terrorism related expenditures.¹⁵ Said amount shall be apportioned to each Plaintiff in a pro rata basis in accordance with the amounts awarded to each for compensatory damages.

5. PREJUDGMENT INTEREST

When a statute is silent on the issue of pre-judgment interest, there is a federal common law rule that a court should ordinarily award it. Motion Picture Ass'n v. Oman,

¹⁵ The Court's award is heedful of the guidance expressed by the Supreme Court on the appropriate measure of a punitive damage award. See BMW of N. Am., Inc. v. Gore, 517 U.S. 559, 575 (1996); cited in Gates v. Syrian Arab Republic, 580 F. Supp. 2d 53, 75 (D.D.C. 2008).

969 F.2d 1154, 1157 (D.C. Cir. 1992) citing Rodgers v. United States, 332 U.S. 371, 373, (1947). The discretion to make such an award however rests in the hands of the district court subject to equitable considerations. Oldham v. Korean Air Lines Co., 127 F.3d 43, 54 (D.C. Cir. 1997) citing Motion Picture Ass'n, 969 F.2d at 1157. Prejudgment interest is awarded not for the punitive value but to fully compensate and to deny the defendant the time value of the money which rightly belonged to a plaintiff from the date of the wrong. Such interest compensates a plaintiff for the lost time value of the money.

An award of prejudgment interest is especially appropriate under the circumstances in this case and indeed in those found in most cases brought against state sponsors of terrorism. Belkin v. Islamic Republic of Iran, 667 F. Supp. 2d 8, 24 (D.D.C. 2009); Ben-Rafael v. Islamic Republic of Iran, 540 F.Supp.2d 39, 59 (D.D.C. 2008); Pugh, 2008 U.S. Dist. LEXIS 4290 at *129-36 (“courts in this Circuit have awarded prejudgment interest in cases where plaintiffs were delayed in recovering compensation for their injuries -- including, specifically, where such injuries were the result of targeted attacks perpetrated by foreign defendants”); Dammarell, CA 01-2224, 2006 U.S. Dist. LEXIS 63263 at *1, n.2 (D.D.C. September 7, 2006) (awarding prejudgment interest to families of U.S. citizens killed in 1983 bombing of the United States Embassy in Beirut). To deny prejudgment interest would allow the state sponsor of terrorism to profit from its terrorist acts. Pugh, 530 F. Supp. 2d at 264. The Court shall apply the prime rate to the damages in this case at the time they were incurred.

The Court also finds that the prime rate, “the rate that banks charge for short-term unsecured loans to credit-worthy customers,” is an appropriate measure for prejudgment interest. See Oldham, 127 F.3d at 54. The prime rate is chosen because:

Interest at what rate? Surely the market rate. That is what the victim must pay-- either explicitly if it borrows money or implicitly if it finances things out of cash on hand--and the rate the wrongdoer has available to it.... [A] court should use the "prime rate"--that is, the rate banks charge for short-term unsecured loans to creditworthy customers. This rate may miss the mark for any particular party, but it is a market-based estimate.

Id. quoting In the Matter of Oil Spill by the Amoco Cadiz off the Coast of France, 954 F.2d 1279, 1332 (7th Cir. 1992); Pugh v. Socialist People's Libyan Arab Jamahiriya, 530 F. Supp. 2d 216, 265 (D.D.C. 2008) (also finding the prime rate appropriate although plaintiffs in that case chose not to ask for it).

The Court determines it appropriate to award prejudgment interest, using the prime rate¹⁶, and accordingly awards prejudgment interest in the amount of _____.

D. PLAINTIFFS' DAMAGES UNDER 28 U.S.C. § 1605(a)(7)

Plaintiffs originally filed this action under 28 U.S.C. § 1605(a)(7). Although the Court has made its determination as described above as to the award of damages under 28 U.S.C. § 1605A, the Court is also entering judgment as to Plaintiffs' entitlement under 28 U.S.C. § 1605(a)(7).¹⁷ It is now established that a plaintiff proceeding under 28 U.S.C. § 1605(a)(7) must first identify a particular cause of action arising out of a specific source of law, as there is no federal cause of action established by the Flatow Amendment. Cicippio-Puleo v. Islamic Republic of Iran, 353 F.3d 1024, 1033 (D.C. Cir. 2004) (“[N]either 28 U.S.C. § 1605(a)(7) nor the Flatow Amendment, nor the two considered in

¹⁶ The Court accepted testimony from Dr. James Markham regarding his economic analysis and the applicable prime rate of interest for each year from 1985 through 2010. (Markham, T-4, 175-177) Ex.93, Table 1.

¹⁷ Although the Court has made separate findings as to the damages recoverable under 28 U.S.C. § 1605(a)(7), these findings are only being made to the extent that the Plaintiffs do not recover the damages as delineated by the Court under 28 U.S.C. § 1605A(c) as Plaintiffs may not recover for their compensatory damages twice.

tandem, creates a private right of action against a foreign government.”); see also Acree v. Republic of Iraq, 370 F.3d 41, 59 (D.C. Cir. 2004). Accordingly, a plaintiff must proceed under state law causes of action in a case filed pursuant to the grant of subject matter jurisdiction found at 28 U.S.C. § 1605(a)(7). See e.g., Dammarell v. Islamic Republic of Iran, CA No. 01-2224, 2005 WL 756090, at * 32 (D.D.C. March 29, 2005) (Dammarell II). Here the Plaintiffs have presented such state law causes of action.

1. WRONGFUL DEATH

A wrongful death action is designed to compensate a decedent’s heirs-at-law for economic losses which result from the decedent’s premature death. In the case of California, the state wrongful death statute provides for the recovery of certain pecuniary and non pecuniary losses as elaborated upon infra. To the extent that the claims for wrongful death and damages available are informed by state law, the Court examines the state law of California, the domicile of Scarlett Rogenkamp.

i. California Law of Wrongful Death

The state of the victim’s domicile at the time of the bombing provides the law that informs the wrongful death cause of action. Causes of action for wrongful death and survival actions have been asserted for those murdered by Defendants’ agents during the hijacking. Decedent Scarlett Rogenkamp in this case was domiciled in California at the time of her murder. Scarlett was murdered as a result of an intentional act by Defendants and their agents.

Under California law a wrongful death cause of action is separate and distinct from a survival action. “Unlike a wrongful death cause of action, a survival cause of action is not a new cause of action that vests in heirs on the death of the decedent, rather

it is a separate and distinct cause of action which belonged to the decedent before death but, by statute, survives that event.” Moore v. County of Kern, 2006 U.S. Dist. LEXIS 56428 at *19 (E.D. Cal. 2006) citing to Grant v. McAuliffe, 41 Cal.2d 859, 864, 264 P.2d 944 (1953). The damages available under a wrongful death cause of action include “damages may be awarded that, under all the circumstances of the case, may be just but may not include damages recoverable under Section 377.34.” Cal. Code Civ. Pro. § 377.61. These damages include:

- pecuniary losses, which are “financial benefits the survivors were receiving from the decedent at the time of death and those reasonably to be expected in the future.” Smallwood v. American Trading & Transp. Co., 839 F. Supp. 1377, 1388 (D. Cal. 1993) citing Cervantes v. Maco Gas Co., 177 Cal. App. 2d 246, 251, 2 Cal. Rptr. 75 (1960).
- non-pecuniary losses such as “loss of the society, comfort, care and protection afforded by the decedent.” Smallwood, 839 F. Supp. at 1388 citing Krouse v. Graham, 19 Cal. 3d 59, 67, 137 Cal. Rptr. 863, 562 P.2d 1022 (1977). Recoverable non-pecuniary losses include “love, companionship, comfort, affection, society, solace or moral support, loss of enjoyment of sexual relations, [and] loss of physical assistance in the operation or maintenance of the home.” Ledger v. Tippitt, 164 Cal. App. 3d 625, 631-32, 210 Cal. Rptr. 814 (1985).

The damages provided for by Cal. Code Civ. Pro. § 377.34 are those available under a survival cause of action, which include:

In an action or proceeding by a decedent’s personal representative or successor in interest on the decedent’s cause of action, the damages recoverable are limited to the loss or damage that the decedent sustained or incurred before death, including any penalties or punitive or exemplary

damages that the decedent would have been entitled to recover had the decedent lived, and do not include damages for pain, suffering, or disfigurement.

The damages described above are available to the Estate of Scarlett Rogenkamp and her survivors thereby entitling them to judgment and an award of damages.

2. ECONOMIC LOSSES

As to economic losses resulting from the death of Scarlett Rogenkamp and the injuries of Jackie Nink Pflug and Patrick Scott Baker these findings are discussed supra in section IV(C)(1) and are incorporated herein by reference, and accordingly, an award to the Estate of Scarlett Rogenkamp, Jackie Nink Pflug and Patrick Scott Baker for economic losses is appropriate.

3. ASSAULT AND BATTERY

Two of the Plaintiffs, Jackie Nink Pflug and Patrick Scott Baker, were shot in the head during the hijacking, but miraculously survived. A third Plaintiff, Scarlett Rogenkamp who brings suit by the administrator of her estate sues for being shot in the head during the hijacking. All three passengers suffered fear of imminent physical harm and were violently, physically and emotionally detained by the hijackers and injured (which resulted in the death of one of the Plaintiffs- Scarlett Rogenkamp) as a result of the act of terrorism conducted by Defendants and their agents thereby entitling them to judgment and an award of damages.

i. TEXAS

Jackie Nink Pflug was domiciled in Texas at the time of the hijacking. Under Texas law:

To establish a prima facie claim for civil assault, the plaintiff must establish the same elements required for criminal assault. *See Moore's Inc. v. Garcia*, 604 S.W.2d 261, 264 (Tex.Civ.App.-Corpus Christi 1980, writ ref'd n.r.e.). Under Texas Penal Code section 22.01(a)(3), an assault occurs when a person intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative. TEX. PEN.CODE ANN. § 22.01(a)(3) (Vernon Supp.2004-2005). Johnson v. Davis, 178 S.W.3d 230, 240 (Tex.App.-Houston [14 Dist.],2005)

It is clear that the ANO hijacker Omar Rezaq both intentionally and knowingly caused physical contact in the form of a gunshot with Ms. Pflug's person when Mr. Rezaq knew or should reasonably believe that Ms. Pflug would regard the contact as offensive or provocative. Accordingly, this Court finds that Jackie Pflug has proven her claim for assault and battery under Texas law, thereby entitling her to judgment and an award of damages.

ii. WASHINGTON

Patrick Scott Baker was domiciled in the State of Washington at the time of the hijacking. Under the law of Washington:

An assault is an attempt, with unlawful force, to inflict bodily injuries upon another, accompanied with the apparent present ability to give effect to the attempt if not prevented.

Brower v. Ackerley, 88 Wash.App. 87, 92, 943 P.2d 1141, 1144 (Wash. App. Div. 1, 1997). Battery is the carrying out of the threat:

But battery is ‘{a} harmful or offensive contact with a person, resulting from an act intended to cause the plaintiff or a third person to suffer such a contact, or apprehension that such a contact is imminent{.}’ W. Page Keeton et al., *Prosser and Keeton On The Law of Torts* sec. 9, at 39 (5th ed.1984)

Rene v. Meyer, 2001 WL 703923 at *5 (Wash. App. Div. 2, 2001). The terrorists threatened and executed bodily harm to Patrick and had the ability to carry out the threat. Accordingly, this Court finds that Patrick Scott Baker has stated a claim for assault and battery under Washington law, thereby entitling him to judgment and an award of damages.

iii. CALIFORNIA

Scarlett Marie Rogenkamp was domiciled in the State of California at the time of the hijacking. Under the law of California:

“ ‘A battery is any intentional, unlawful and harmful contact by one person with the person of another.... A harmful contact, intentionally done is the essence of a battery.... A contact is “unlawful” if it is unconsented to....’ [Citation.] The elements of a civil battery are: ‘ “1. Defendant intentionally did an act which resulted in a harmful or offensive contact with the plaintiff’s person; [¶] 2. Plaintiff did not consent to the contact; [and][¶] 3. The harmful or offensive contact caused injury, damage, loss or harm to the plaintiff.” ’ [Citation.]” (*Fluharty v. Fluharty* (1997) 59 Cal.App.4th 484, 497, 69 Cal.Rptr.2d 244.)

Piedra v. Dugan, 123 Cal. App.4th 1483, 1495, 21 Cal. Rptr.3d 36, 48 (Cal.App. 4 Dist. 2004).

The terrorists intentionally shot Ms. Rogenkamp in the head which resulted in a harmful or offensive contact with the plaintiff’s person. It is clear that Ms. Rogenkamp did not consent to such contact and as a result of such contact Ms. Rogenkamp died of her wound. Accordingly, this Court finds that Scarlett Marie Rogenkamp has stated a claim for assault and battery under California law, thereby entitling her to judgment and an award of damages.

4. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS¹⁸

Plaintiffs have listed below the state common law that defines each Plaintiff's cause of action for those who presses a claim forward for intentional infliction of emotional distress ("IIED"). Plaintiffs who are family members of the three US citizens killed and injured on the hijacked airplane and the two severely injured US citizens who were shot in the head are eligible to recover under state law as set forth below and are entitled to judgment and an award of damages. The Syrian Defendants are liable for the conduct of the terrorists whose conduct was "so extreme as to exceed all bounds of that usually tolerated in a civilized community." Hergenroeder v. Travelers Property Cas. Ins. Co., 249 F.R.D. 595, 620 (E.D. Cal. 2008). The terrorists called two Israelis and then three Americans to the open doorway near the cockpit and shot them once every fifteen minutes. (Ex. 3). As the terrorists shot them, they threw the bodies out the doorway onto the tarmac. (Baker, T-2-60-61, 85, Pflug, T-1-53, Pflug, T-1-57, Pflug, T-1-61). Each and every American victim knew he or she was being led to the front of the aircraft to die. (Pflug, T-1-56, Baker, T-2-60, Pflug, T-1-53). There are few acts that fit the definition of extreme and outrageous conduct as completely and perfectly as the above-described conduct.

The Defendants intended to terrorize and thereby emotionally injure the family members of those killed and injured during the hijacking as surely as they intended to murder all Americans and Israelis aboard the airplane:

¹⁸ A plaintiff may obtain solatium damages under § 1605(a)(7) by alleging and satisfying an independent substantive cause of action such as intentional infliction of emotional distress. See, e.g., Surette v. Islamic Republic of Iran, 231 F. Supp.2d 260, 269 n.8 (D.D.C. 2002); Stethem v. Islamic Republic of Iran, 201 F. Supp. 2d 78, 89 (D.D.C. 2002); Wagner v. Islamic Republic of Iran, 172 F. Supp. 2d 128, 135 n.11 (D.D.C. 2001).

As a general rule, to state a claim for intentional infliction of emotional distress, the outrageous and extreme conduct must be directed at the plaintiff, although there may also be a cause of action when the conduct causes severe emotional distress "to a member of such person's immediate family who is present at the time." See Green v. Chicago Tribune Co., 286 Ill. App. 3d 1, 675 N.E.2d 249, 257-58, 221 Ill. Dec. 342 (Ill. 1st Dist. 1996) (quoting Restatement (Second) of Torts § 46(2)(a)). Courts have uniformly held that a terrorist attack -- by its nature -- is directed not only at the victims but also at the victims' families. See Burnett v. Al Baraka Inv. and Dev. Corp., 274 F. Supp. 2d 86, 10[8] (D.D.C. 2003) ("A terrorist attack on civilians is of course intended to cause emotional distress to the victims' families."); Jenco v. Islamic Republic of Iran, 154 F. Supp. 2d 27, 35 (D.D.C. 2001) ("If the defendants' conduct is sufficiently outrageous and intended to inflict severe emotional harm upon a person which is not present, no essential reason of logic or policy prevents liability."). In this case, the evidence demonstrates that defendant's campaign of attacks against Westerners was intended not only to harm the victims, but to instill terror in their loved ones and others in the United States. See Dammarell, 281 F. Supp. 2d at 109-113.

Salazar v. Islamic Republic of Iran, 370 F. Supp. 2d 105, 115 (D.D.C. 2005). The *raison d'être* of an act of terrorism is to terrorize innocent civilians with acts of horrifying and mind-numbing brutality. Without the audience of family members at home, an act of terrorism loses its inertia and its claim to infamy. See e.g., Sutherland v. Islamic Republic of Iran, 151 F. Supp. 2d 27, 50 (D.D.C. 2001). Each of the three U.S. citizens was shot in the head in the open doorway of the hijacked aircraft as it sat on the tarmac in Malta, in full view of the TV cameras and journalists trained on the aircraft, the events were broadcast around the world. (Henry, T-1-132). As with any act of terrorism, the goal was to commit horrific brutality and capture the attention of the world with the resulting front page news and instantaneous TV news coverage. Defendants intended and knew or should have known that Plaintiffs' families would be anxiously glued to the TV set to learn news of their loved one's safety and well-being.

Because the victims and their families were all domiciled in different states, the Court now provides the following findings as based on the state of domicile for each plaintiff in this matter for their rights to recover for the intentional infliction of emotional distress caused on them by the Defendants.

i. CALIFORNIA

Scarlett Rogenkamp and Hetty Peterson were both domiciles of the State of California. Under California law, the elements of the tort of intentional infliction of emotional distress are: (1) extreme and outrageous conduct by the defendant with the intention of causing, or reckless disregard of the probability of causing, emotional distress; (2) the plaintiff's suffering severe or extreme emotional distress; and (3) actual and proximate causation of the emotional distress by the defendant's outrageous conduct. Christensen v. Superior Court, 54 Cal. 3d 868, Potter v. Firestone Tire & Rubber Co., 6 Cal. 4th 965. In order to be outrageous, conduct must be so extreme as to exceed all bounds of that usually tolerated in a civilized community. Christensen v. Superior Court, 54 Cal. 3d 868, Potter v. Firestone Tire & Rubber Co., 6 Cal. 4th 965. The defendant must have engaged in conduct intended to inflict injury, or engaged in conduct with the realization that injury will result. Christensen v. Superior Court, 54 Cal. 3d 868, Potter v. Firestone Tire & Rubber Co., 6 Cal. 4th 965.

Accordingly, as described above in Section IV(C)(2) and IV(C)(3), this Court finds that Scarlett Marie Rogenkamp and Hetty Peterson experienced emotional distress and finds that the conduct of the defendants was so outrageous as to entitle each of them to an award of damages for the Estate of Scarlett Rogenkamp and the Estate of Hetty

Peterson for the intentional infliction of emotional distress they suffered as a result of the Egypt Air Hijacking.

ii. TEXAS

Jackie Pflug, Eugene Nink, Rylma Nink, Mary Nink O'Donnell, and Gloria Nink were domiciled in the state of Texas at the time of the EgyptAir Hijacking. Texas has also adopted section 46(1) of the Restatement (Second). "Under Texas law, the tort of intentional infliction of emotional distress requires that a plaintiff prove that: (1) the defendant acted intentionally or recklessly, (2) the defendant's conduct was extreme and outrageous, (3) the defendant's conduct caused emotional distress to the plaintiff, and (4) the resulting emotional distress was severe." Gray v. Sage Telecom, Inc., CA No. 05-1677, 2006 U.S. Dist. LEXIS 73752 at *46 (N.D. Tex. 2006) citing MacArthur v. University of Texas Health Center at Tyler, 45 F.3d 890, 898 (5th Cir. 1995).

Accordingly, as described above in Section IV(C)(2) and IV(C)(3), this Court finds that Jackie Pflug, Eugene Nink, Rylma Nink, Mary Nink O'Donnell, and Gloria Nink experienced emotional distress and finds that the conduct of the defendants was so outrageous as to entitle an award of damages to Jackie Pflug, Eugene Nink, the Estate of Rylma Nink, Mary Nink O'Donnell, and Gloria Nink for the intentional infliction of emotional distress they suffered as a result of the Egypt Air Hijacking.

iii. WASHINGTON

Patrick Scott Baker, Jerry Baker, Lois Baker, Craig Baker, David Baker, and Stacie Baker were all domicilaries of the state of Washington. Washington has adopted section 46(1) of the Restatement (Second). "To prove a claim for intentional infliction of emotional distress ('outrage') in Washington, a plaintiff must establish (1) the defendant

intentionally or recklessly inflicted emotional distress, (2) the conduct of the defendant was outrageous and extreme, and (3) the conduct resulted in severe emotional distress to the plaintiff. Conduct is outrageous and extreme when it goes 'beyond all possible bounds of decency' and is 'atrocious, and utterly intolerable in a civilized community.'" Wood v. Gonzaga Univ., CA No. 05-0055, 2006 U.S. Dist. LEXIS 30541 at *21 (E.D. Wash. 2006) quoting Grimsby v. Samson, 85 Wash.2d 52, 59, 530 P.2d 291, 295 (1975) (citations omitted).

Accordingly, as described above in Section IV(C)(2) and IV(C)(3), this Court finds that Patrick Scott Baker, Jerry Baker, Lois Baker, Craig Baker, David Baker, and Stacie Baker experienced emotional distress and finds that the conduct of the defendants was so outrageous as to entitle an award of damages to Patrick Scott Baker, Jerry Baker, Lois Baker, Craig Baker, the Estate of David Baker, and Stacie Baker for the intentional infliction of emotional distress they suffered as a result of the Egypt Air Hijacking.

iv. MINNESOTA

Scott Pflug, Jim Olsen and T.O. are all domiciliaries of the state of Minnesota. Minnesota has adopted section 46(1) of the Restatement (Second). "Intentional infliction of emotional distress consists of four distinct elements: (1) the conduct must be extreme and outrageous; (2) the conduct must be intentional or reckless; (3) it must cause emotional distress; and (4) the distress must be severe." Hubbard v. United Press Int'l, Inc., 330 N.W.2d 428 (Minn. 1983), see also Restatement (Second) of Torts § 46(1) (1965). "We have cautioned that intentional infliction of emotional distress is "sharply limited to cases involving particularly egregious facts" and

that a "high threshold standard of proof" is required to submit the claim to a jury." Hubbard, 330 N.W.2d at 439.

Conduct is "extreme and outrageous" when it is "so atrocious that it passes the boundaries of decency and is utterly intolerable to the civilized community." Hubbard, 330 N.W.2d at 439 quoting Haagenson v. National Farmers Union Property and Casualty Co., 277 N.W.2d 648 (Minn. 1979); Langeslag v. KYMN Inc., 664 N.W.2d 860 (Minn. 2003). To qualify as extreme and outrageous, the conduct must lead an average member of the community to exclaim "[o]utrageous!" Id.; Langeslag v. KYMN Inc., 664 N.W.2d 860 (Minn. 2003).

Accordingly, as described above in Section IV(C)(2) and IV(C)(3), this Court finds that Scott Pflug, Jim Olsen, and T.O. experienced emotional distress and finds that the conduct of the defendants was so outrageous as to entitle an award of damages to Scott Pflug, Jim Olsen, and T.O. for the intentional infliction of emotional distress they suffered as a result of the Egypt Air Hijacking.

v. DISTRICT OF COLUMBIA

Vernon Peterson was a domiciliary of the District of Columbia at the time of the EgyptAir Hijacking. "To prevail on a claim for intentional infliction of emotional distress [in the District of Columbia], a plaintiff is required to prove that the defendant engaged in extreme or outrageous conduct which intentionally or recklessly caused severe emotional distress. McManus v. MCI Communications Corp., 748 A.2d 949, 958 (D.C. 2000). "Liability is imposed only for conduct 'so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious,

and utterly intolerable in a civilized community.” Id. quoting Homan v. Goyal, 711 A.2d 812, 818 (D.C. 1998); Blodgett v. University Club, 930 A.2d 210, 230 (D.C. 2007).

Accordingly, as described above in Section IV(C)(2) and IV(C)(3), this Court finds that Vernon Peterson experienced emotional distress and finds that the conduct of the defendants was so outrageous as to entitle an award of damages to the Estate of Vernon Peterson for the intentional infliction of emotional distress he suffered as a result of the Egypt Air Hijacking.

AWARD OF DAMAGES UNDER 28 U.S.C. § 1605(a)(7)¹⁹

Based upon all of the evidence, the Court finds awards in the following amounts are appropriate compensation under 28 U.S.C. § 1605(a)(7) for the assault, battery, intentional infliction of emotional distress, solatium, economic damages and pain and suffering related thereto as follows:

Patrick Scott Baker	\$ _____
Jerry Baker (Father of Patrick Baker):	\$ _____
Lois Baker (Mother of Patrick Baker):	\$ _____
Craig Baker (Brother of Patrick Baker):	\$ _____
Estate of David Baker (Brother of Patrick Baker):	\$ _____
Stacie Baker (Sister of Patrick Baker):	\$ _____
Jackie Nink Pflug	\$ _____
Estate of Rylma Nink (Mother of Jackie Pflug):	\$ _____
Eugene Nink (Father of Jackie Pflug):	\$ _____

¹⁹ Although the Court has made separate findings as to the damages recoverable under 28 U.S.C. § 1605(a)(7), these findings are only being made to the extent that the Plaintiffs do not recover the damages as delineated by the Court under 28 U.S.C. § 1605A(c) as Plaintiffs may not recover for their compensatory damages twice.

Mary Nink O'Donnell (Sister of Jackie Pflug): \$ _____

Gloria Nink (Sister of Jackie Pflug): \$ _____

Scott Pflug (Jackie Pflug's Husband in 1985): \$ _____

James Olsen (Husband of Jackie Pflug): \$ _____

T.O. (Son of Jackie Pflug): \$ _____

Scarlett Marie Rogenkamp \$ _____

Estate of Hetty Peterson (Mother of Scarlett Rogenkamp): \$ _____

Estate of Vernon Peterson (Father of Scarlett Rogenkamp): \$ _____

Patricia Henry (Sister of Scarlett Rogenkamp): \$ _____

Michelle Holbrook (Sister of Scarlett Rogenkamp): \$ _____

Paul Peterson (Brother of Scarlett Rogenkamp): \$ _____

Katherine Doris (Sister of Scarlett Rogenkamp): \$ _____

VI. CONCLUSION

Each of the Plaintiffs are hereby awarded the above sums of money as an award of damages pursuant to 28 U.S.C. §1605A and as applicable 28 U.S.C. §1605 (a)(7) arising out of the losses incurred and injuries suffered by the egregious conduct of the Syrian Defendants, against whom Judgment shall be entered, jointly and severally, consistent herewith, for each Plaintiff in the designated amount for compensatory damages, prejudgment interest and punitive damages, for all of which execution may be had.

A separate Order of Judgment will be entered by the Court, for all of which attachment may issue and execution may be had by the Plaintiffs, and each of them, against the Defendants, jointly and severally, in the interests of justice.

ORDER OF JUDGMENT

This ____ day of _____, 2010.

United States Magistrate Judge

PROPOSED BY:

Dated: August 5, 2010

Respectfully Submitted,

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